

**Enrolled Minutes of the Fifty-Sixth Regular Meeting  
Of the Twenty-Sixth Highland Town Council  
Monday, April 19, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, April 19, 2010 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Mark Herak was absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Attorney reported to the Town Council that the closing on the purchase of the property located at 8745 Cottage Grove, was set for April 20, 2010.
3. The Town Attorney further reported on a complaint communicated by the Speedway Corporation regarding the configuration of the access (ingress and egress) at its property or site on Kennedy Avenue. It was noted that the curb cuts were modified in consequence of the Kennedy Avenue Reconstruction Project, removing access from Kennedy Avenue. The Town Attorney indicated that it would be desirable to restore one access point on Kennedy Avenue. He noted he was working on this along with the Public Works Director.
4. The Town Council, the Building Commissioner and the Fire Chief discussed the issue of contractors performing work in the municipality without complying with the permitting and bonding requirements of the Town.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 19, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council Acting President Konnie Kuiper presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Bernie Zemen leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Mark A. Herak was absent owing to work related travel. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD; and Cecile Petro, Redevelopment Director were also present.

Ed Dabrowski of the Park and Recreation Board was also present.

### Minutes of the Previous Session

The minutes of the regular meeting of 05 April 2010 were approved by general consent.

### Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Special Public Safety Fund in the amount of \$12,000.00.**
  - (a) Attorney verification of Proofs of Publication: The TIMES 8 April 2010. The Town Attorney verified that the proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Acting President called the hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2010-16:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the Special Public Safety Fund, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

Councilor Vassar introduced and moved the consideration on the same evening of introduction of Enactment No. 2010-16. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Vassar moved the passage and adoption on the same evening of introduction of Enactment No. 2010-16. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was adopted.

### Town of Highland Appropriation Enactment Enactment No. 2010-16

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

#### SPECIAL PUBLIC SAFETY FUND

Acct. No. 3XX.XX Architect Professional Services:	\$ 12,000.00
Total Series:	\$ 12,000.00
Total for Fund:	<u>\$ 12,000.00</u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 19<sup>th</sup> Day of April 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 19<sup>th</sup> Day of April 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Konnie Kuiper, Acting President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA**  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Parks and Recreation Special Operating (General) Fund** in the amount of **\$5,800.00**.
  - (a) Attorney verification of Proofs of Publication: The TIMES 8 April 2010. The Town Attorney verified that the proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Acting President called the hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2010-17:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget of the **Parks and Recreation Special Operating (General) Fund** in the amount of **\$5,800.00**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, *et seq.*

Councilor Zemen introduced and moved the consideration on the same evening of introduction of Enactment No. 2010-17. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered.

Councilor Zemen moved the passage and adoption on the same evening of introduction of Enactment No. 2010-17. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
Enactment No. 2010-17**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR PARKS AND RECREATION SPECIAL OPERATING (GENERAL) FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Parks and Recreation Special Operating (General) Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Parks and Recreation Special Operating (General) Fund** and for the purposes herein specified, subject to the laws governing the same:

PARKS AND RECREATION SPECIAL OPERATING (GENERAL) FUND

Acct. No. 3XX.XX Retail Sales Tax:	<u>\$ 5,800.00</u>
<i>Total Series:</i>	\$ 5,800.00
<b>Total for Fund:</b>	<u>\$ 5,800.00</u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure subject to an order of the Commissioner, pursuant to IC 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 19<sup>th</sup> Day of April 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 19<sup>th</sup> Day of April 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Konnie Kuiper, Acting President (IC 36-5-2-10)**

**ATTEST:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**3. Public Hearing on Proposed Solid Waste Management Fees.**

- (a) Attorney verification of Proof of Publication. (The TIMES 8 Apr 2010) The Town Attorney verified that the proofs of publication were in compliance with IC 5-3-1.
- (b) **Public Hearing on Proposed Rates.** The Acting President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) **Introduced Ordinance No. 1456:** An Ordinance revising and Amending the Highland Municipal Code, CHAPTER 170, PARTICULARLY REGARDING THE FEES CHARGED FOR THE SOLID WASTE MANAGEMENT PROGRAM of the Town, particularly, all pursuant to IC 36-1-5 and IC 36-9-30 *et seq.* *Introduced and filed by Councilor Vassar at meeting of 05 April 2010.* If adopted, monthly charge to be increased from \$16.90 to the following monthly charges:

Beginning May 1, 2010: \$17.52 monthly (Seniors Citizens deduct \$1.00)  
Beginning April 1, 2011: \$18.05 monthly (Seniors Citizens deduct \$1.00)  
Beginning April 1, 2012: \$18.65 monthly (Seniors Citizens deduct \$1.00)  
Beginning April 1, 2013: \$19.28 monthly (Seniors Citizens deduct \$1.00)

Councilor Zemen moved the passage and adoption of Ordinance No. 1456. Councilor Vassar seconded. Upon a roll call vote, there were three affirmatives and one negative. With Councilors Zemen, Vassar and Kuiper voting in the affirmative and Councilor Novak voting in the negative, the motion passed. The ordinance was adopted.

**ORDINANCE No. 1456  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE REVISING AND AMENDING THE HIGHLAND MUNICIPAL CODE, CHAPTER 170, PARTICULARLY REGARDING THE FEES CHARGED FOR THE SOLID WASTE MANAGEMENT PROGRAM of the TOWN, ALL PURSUANT TO IC 36-1-5 AND IC 36-9-30 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances

**WHEREAS**, The legislative body of the this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

**WHEREAS**, The Town Council, is persuaded that it is necessary to make certain technical corrections to the current code of ordinances in order to further perfect the operation of the municipally and to advance the public interest; and

**WHEREAS**, The Indiana Code further provides under IC 36-1-4 for the general powers of units to provide for the operation of a government;

**WHEREAS**, The Indiana Code still further provides under IC 36-1-3 certain powers granted expressly by statute and powers deemed necessary or desirable in the conduct of municipal affairs;

**WHEREAS**, The Indiana Code still further provides under IC 36-9-2-16 and IC 36-9-30 that a unit may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage including the power to fix the price to be charged for that service;

**WHEREAS**, The Town Council determines that certain amendments to certain provisions of the Highland Code of Ordinances to be necessary or desirable in the conduct of municipal affairs and consistent with the laws of the state governing the operation of a government;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That subdivision (G) of § 170.08 of the Highland Municipal Code be hereby deleted and repealed and be hereby amended by inserting the following replacement subdivision, to be renamed subdivision (G) of § 170.08, which shall read as follows:

**§ 170.08 SOLID WASTE MANAGEMENT FEES and SERVICES.**

(G) The solid waste management and other fees shall be charged according the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption an ordinance, pursuant to the terms of IC 36-9-30 et seq.:

**Solid Waste Management Fees Schedule**

Monthly solid waste management fees

<b>(1) For the period beginning May 1, 2009:</b>		
(a)	Qualified dwelling unit (per unit):	<b>\$16.90</b>
(b)	Two-family dwelling per unit:	<b>\$16.90</b>
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	<b>\$15.90</b>
(d)	Recycling container replacement fee:	<b>\$10.00</b>
<b>(2) For the period beginning May 1, 2010:</b>		
(a)	Qualified dwelling unit (per unit):	<b>\$17.52</b>
(b)	Two-family dwelling per unit:	<b>\$17.52</b>
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	<b>\$16.52</b>
(d)	Recycling container replacement fee:	<b>\$10.00</b>

<b>(3) For the period beginning April 1, 2011:</b>		
(a)	Qualified dwelling unit (per unit):	\$18.05
(b)	Two-family dwelling per unit:	\$18.05
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$17.05
(d)	Recycling container replacement fee:	\$10.00
<b>(4) For the period beginning April 1, 2012:</b>		
(a)	Qualified dwelling unit (per unit):	\$18.65
(b)	Two-family dwelling per unit:	\$18.65
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$17.65
(d)	Recycling container replacement fee:	\$10.00
<b>(5) For the period beginning April 1, 2013:</b>		
(a)	Qualified dwelling unit (per unit):	\$19.28
(b)	Two-family dwelling per unit:	\$19.28
(c)	Single and two-family dwellings principally occupied by persons 65 years of age or older:	\$18.28
(d)	Recycling container replacement fee:	\$10.00

**Section 2.** This Ordinance shall become and be effective from and after its passage and adoption and publication in the manner prescribed by law, provided that it shall introduced without action to consider on the same night of its introduction and a public hearing shall be conducted before its final adoption all pursuant to IC 36-9-30-21.

Introduced and Filed on the 5<sup>th</sup> day of April 2010. Consideration on same day or at same meeting of introduction was not permitted, pursuant to IC 36-9-30-21.

**DULY ORDAINED and ADOPTED** this 19<sup>th</sup> Day of April 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor 1 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Konnie Kuiper, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **8216 Kennedy Avenue, Highland**, to allow a residential use, in property currently zoned as Corridor Sub-district District. Petitioner: Maria Zendejas. 3715-42<sup>nd</sup> Place, Highland. The Advisory Board of Zoning Appeals by a vote of four in favor and zero opposed acted to **unfavorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 February 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 24 March 2010. (90 days ends 25 May 2010.). Council acted to delay this matter at its meeting of 5 April 2010.

*Pursuant to IC 36-7-4-918.6, the Town Council may either accept the unfavorable recommendation and deny the requested use variance or it may reject (over rule) the recommendation and grant the use variance.*

Councilor Vassar moved to accept the unfavorable recommendation of the Advisory Board of Zoning Appeals and deny the use variance as requested. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance petition was denied.

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for February March 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	2	0	2	\$28,735.00	\$672.00
Additions or					
Remodeling:					
Signs:	3	0	3	\$55,837.00	\$661.00
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	1	1		\$45,898.00	\$738.00
Additions:					
Residential	81	81	0	\$409,335.00	\$8,665.50
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	6	6	0	\$25,775.00	\$1,165.00
Fences	8	8	0	\$16,483.00	\$824.00
Swimming pools:	0	0	0	\$0.00	\$0.00
Drain Tile	5	5	0	\$28,701.00	\$651.00
/Waterproofing					
Misc. (raze a garage):	1	1	0	\$0.00	\$36.50
<b>Total:</b>	<b>107</b>	<b>102</b>	<b>5</b>	<b>\$610,764.00</b>	<b>\$13,413.00</b>
<b>Electrical Permits</b>	<b>12</b>	<b>8</b>	<b>4</b>		<b>\$1,160.00</b>
<b>Mechanical Permits</b>	<b>10</b>	<b>8</b>	<b>2</b>		<b>\$857.00</b>
<b>Plumbing Permits</b>	<b>10</b>	<b>7</b>	<b>3</b>		<b>\$1,079.75</b>
<b>Water Meters</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>\$230.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm Taps</b>	<b>1</b>	<b>1</b>	<b>0</b>		<b>\$300.00</b>
<b>Total:</b>	<b>12</b>	<b>9</b>	<b>3</b>		<b>\$1,609.75</b>

**March Code Enforcement:** 158 warnings issued and 11 citations were issued.

There were 34 building inspections, 13 plumbing inspections, and 24 electrical inspections. There were two (2) electrical exams given.

• **Fire Department Report for March 2010**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	14	32	24	
Car Fires	2	5	1	
Still Alarms	6	14	16	
Ambulance calls	0	0	0	

• **Workplace Safety Report for March 2010**

There was one incident reported in March. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	0	2	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	1	2	9	0	9	0	0
Street	0	0	4	0	0	0	0
Water & Sewer	0	0	4	0	0	18	82
Maint.	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
<b>TOTALS</b>	1	2	19	0	9	18	82

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

#### Unfinished Business and General Orders:

1. **Resolution No. 2010-18:** A Resolution to Adopt and Approve an Interlocal Cooperation Agreement for the Purchase and Utilization of Construction, Services for Mutual Benefit connected with the Cline Avenue Reconstruction Project, a Federal Aid Highway Improvement Project.

Councilor Zemen moved the passage and adoption of Resolution No. 2010-18. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

#### TOWN of HIGHLAND, LAKE COUNTY, INDIANA TOWN COUNCIL RESOLUTION NO. 2010-18

##### A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF CONSTRUCTION SERVICES FOR MUTUAL BENEFIT

**Whereas**, The Town Council of Highland, Lake County, Indiana, acting as the Works Board of the municipality has reviewed the needs and requirements regarding the providing of maintenance and improvement services to the public ways of the Town; and,

**Whereas**, The Town Council of Highland, Lake County, Indiana, acting as the legislative body of the municipality, has been advised that the provisions of Indiana 36-1-7-1 *et seq.*, as amended from time to time, permit political subdivisions and entities to make the most efficient use of their powers by enabling political subdivisions to mutually purchase and utilize equipment, supplies and services for the mutual benefit of the participating governmental entities; and,

**Whereas**, The Town of Highland, Lake County, Indiana, is a political subdivision empowered by the terms and provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units for the purchase and utilization of equipment, supplies and services; and,

**Whereas**, The Town of Griffith, Lake County, Indiana is also a political subdivision or entity empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of and with each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

**Whereas**, Town of Highland, Lake County, Indiana, by and through its Town Council and Town of Griffith, Lake County, Indiana, by and through its Town Council, each seek to enter into an agreement constructed pursuant to IC. 36-1-7-1, *et seq.* with and among each other to provide for the ability and flexibility to purchase and utilize supplies, and re-construction and improvement services for the mutual benefit of the participating entities, at a shared cost particularly related to the Cline Avenue Improvement Project a public way contiguous to and shared by both jurisdictions; and

**Whereas**, The Town of Highland, Lake County, Indiana, by and through its Town Council, has determined that entry into a joint agreement with Town of Griffith, Lake County, Indiana, by and through its Town Council for the



purchase and utilization of supplies, equipment and professional engineering services for the participating governmental units is in the best interests of the residents of the Town of Highland, and therefore, has determined that it is advisable to enter into and become a participating unit under such an agreement pursuant to applicable provisions of State Law.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:**

**Section One:** That the Town Council of the Town of Highland, Lake County, Indiana, shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with the Town of Griffith, by and through its Town Council in order to purchase and utilize supplies, equipment and to engage in construction, reconstruction and improvement activities on behalf of the participating entities for the mutual benefit of the participating entities at a substantial savings for the following services related to the Reconstruction and Improvement Project involving **Cline Avenue between Ridge Road and 45<sup>th</sup> Avenue.**

**Section Two:** That the President of the Town Council is hereby authorized and permitted to enter into an Interlocal Cooperation Agreement for the purchase and utilization of equipment, supplies and services for the mutual benefit of the political subdivisions herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time; further, the Clerk-Treasurer is hereby authorized to attest the execution of said agreement by the President of the Town Council;

**Section Three:** That a copy of the Interlocal Cooperation agreement between and among the two parties shall be attached to this Resolution and incorporated herein by reference;

**Section Four:** That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

**Duly Adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 19<sup>th</sup> day April 2010. Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Konnice Kuiper, Acting President IC 36-5-2-10

**Attest:**

Michael W. Griffin, IAMC/CMC/CPFA  
**Clerk-Treasurer** (IC 33-16-4-1; IC 36-5-6-5)

**INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND  
UTILIZATION OF CONSTRUCTION, SERVICES FOR MUTUAL BENEFIT  
CONNECTED WITH THE CLINE AVENUE RECONSTRUCTION PROJECT, A  
FEDERAL AID HIGHWAY IMPROVEMENT PROJECT**

**Whereas,** Indiana Code 36-1-7-1, *et seq.*, allows local government entities to make the most efficient use of their powers by enabling them to mutually purchase and utilize equipment, supplies and services for the mutual benefit of each other; and

**Whereas,** The Town of Highland, its Department of Public Sanitation organized pursuant to IC 36-9-25 *et seq.*, its Department of Public Works organized under IC 36-1-3 *et seq.*, and the Town of Griffith through its Town Council organized under IC 36-5 *et seq.*, Lake County, Indiana are political subdivisions empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

**Whereas,** The Town of Highland, through its Department of Public Sanitation, by the Board of Sanitary Commissioners and the Town of Griffith, through its Town Council, desires to enter into an agreement constructed pursuant to IC. 36-1-7-1, *et seq.*, with Highland's Department of Public Works through the Works Board, to provide for the ability to purchase supplies and re-construction and improvement services for the mutual benefit of the participating entities, and at a shared cost;

**Now Therefore,** in consideration of the mutual terms, covenants, and conditions set forth herein, the Town of Highland, through its Department of Public Sanitation, by the Board of Sanitary Commissioners, the Town of Griffith, through its Town Council, and the Highland Department of Public Works through its Works Board, hereby agree as follows, to wit:

Section 1. **DURATION.** The duration of this agreement shall be from **April 1, 2010 through December 31, 2011**, provided said agreement is adopted by Resolution by each of the two political subdivisions aforesaid prior to that date, or

up to and including **May 1, 2010**, and may be renewable each calendar year thereafter by agreement of the parties, evidenced by passage of similar resolutions, should the purposes of this agreement or Section 7 herein require it.

Section 2. **PURPOSE.** The purpose of this agreement is to authorize and allow the Department of Public Works, through its Works Board to engage in construction, reconstruction and improvement activities on behalf of the three participating entities for the mutual benefit of the participating entities at a substantial savings for the following services related to the Reconstruction and Improvement Project involving **Cline Avenue between Ridge Road and 45<sup>th</sup> Avenue.**

Section 3. **ADMINISTRATION.** This agreement shall be administered through an *enhanced* entity comprised of the Department of Public Works as governed by its Works Board. The powers of the enhanced entity shall be exercised by the Works Board and shall be construed to include all powers directly granted it under IC 36-9-2 et seq., and those powers permitted under IC. 36-1-7-2 and only those powers outlined in IC 36-9-2, IC 36-9-25 and IC 8-1.5-4 deemed necessary to carryout the Improvement Project described in section 2 of this agreement.

Section 4. **CLERK-TREASURER.** This agreement hereby delegates to the duly elected Clerk-Treasurer of the Town of Highland, the duty to receive, disburse, and account for all moneys of this undertaking, pursuant to the terms of this agreement. The Clerk-Treasurer shall perform all usual duties associated with the office and as required by law.

Section 5. **TERMS.** In consideration of the mutual promises contained herein, it is agreed as follows:

(a) The Town of Highland by and through its Town Council agrees that its Works Board shall serve as an enhanced entity behalf of the three participating entities. The enhanced entity shall provide administration and supervision over general construction services related to the Cline Avenue Improvement Project described herein, **including the approval of all change orders to the construction contract, which will be reported timely to the other two participating entities.** As for those portions of the project related to public way reconstruction and resurfacing, and all other improvement installation, the enhanced entity will carry-out administration and supervision over general construction services on behalf of the participating entities, according to specifications outlined in the project specifications as drafted and duly approved for the Cline Avenue Improvement Project described herein;

(b) The Town of Highland through its Town Council agrees and shall contribute the amount of *One Hundred Eighty-eight Thousand Three Hundred Seventy-six Dollars and 20/100 Cents (\$188,376.20)* to the Highland Works Board acting as an enhanced entity, payable from funds of the Town of Highland as identified by the Town Council, either as resources on hand to the credit of the Gaming Revenue Sharing Fund to be payable upon terms as the enhanced entity may direct, not later than **May 1, 2010**;

(c) The Department of Public Sanitation (Sanitary District), through its Board of Sanitary Commissioners agrees and shall contribute the amount of *Eighty-six Thousand Four Hundred Forty-seven Dollars and 20/100 Cents (\$86,447.20)* to the Highland Works Board acting as an enhanced entity, payable from its proper Fund, to be deposited in the Gaming Revenue Sharing fund of the Town of Highland, to be payable in a lump sum as the Works Board may direct, not later than **May 1, 2010**;

(d) The Town of Griffith through its Town Council agrees and shall contribute the amount of *Three Hundred Ninety-four Thousand, Three Hundred Eighty-three Dollars and 93/100 Cents (\$394,383.93)* to the Highland Works Board acting as an enhanced entity, payable from proper Fund or Funds of the Town as it may identify, to be deposited in the Gaming Revenue Sharing Fund of Highland, to be payable in a lump sum, not later than **May 1, 2010**;

(e) That the contributions described in subdivision (c) of Section 5 of this agreement are tendered as net amounts after allowing for that portion of the contribution that under the terms of the federal highway program would be otherwise reimbursable to each participating entity individually;

(f) Further, that the participating entities described in subdivision (c) of Section 5 of this agreement consent to pay the amount herein identified and any that may lawfully be incurred in consequence of this project as a *pro-rata* share of the net amounts due, allowing for that portion of the contribution that under the terms of the Federal highway program would be otherwise reimbursable to each participating entity individually but will be instead reimbursable to the enhanced entity;

(g) Still further, following the conclusion of construction herein, in the event that costs are below the initial estimates used to determine the initial contributions of the participating entities producing refunded savings, the enhanced entity will make a "good faith settlement" with the participating entities as an estimated pro-rata share of the net amounts due of the refunded savings, after allowances;

(h) Still further, following the conclusion of construction herein described, in the event that costs are above the initial estimates used to determine the initial contributions of the participating entities producing additional costs, the participating entities will contribute to the enhanced entity as a pro-rata share of the net amounts due of the additional costs, as identified;

Section 6. **MEETINGS AND GOVERNING LAW.** In acting as an enhanced entity, the Works Board shall adhere to and comply with all applicable laws governing its action when acting as a Works Board;

Section 7. **TITLE.** Upon satisfactory completion and acceptance of the project, the enhanced entity is dissolved, and those improvements of public way, stormwater and wastewater infrastructure, become property of the municipality.

Section 8. **COUNTERPARTS.** This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

Section 9. **RECORDING.** Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

#### **Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

**IN WITNESS WHEREOF,** the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

**DEPARTMENT of PUBLIC SANITATION of HIGHLAND, INDIANA**  
3333 Ridge Road, Highland, Indiana 46322-2089

Through its Board of Sanitary Commissioners

By:

\_\_\_\_\_  
Rex Burton, President

**Attest:**

\_\_\_\_\_  
David Jones, Secretary

Participant Execution Date:\_\_\_\_\_

Approved as to Legality and Form:

\_\_\_\_\_  
Robert Tweedle, Attorney

#### **Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

**IN WITNESS WHEREOF,** the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

**TOWN of HIGHLAND, INDIANA**  
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council also acting as the Works Board

By: \_\_\_\_\_  
Konnie Kuiper, Acting Town Council President

Attest:

\_\_\_\_\_  
Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

Participant Execution Date: \_\_\_\_\_

Approved as to Legality and Form:

\_\_\_\_\_  
Rhett L. Tauber, Attorney

**Participant Counterpart**

**EFFECTIVE DATE.** This agreement shall be effective under Paragraph 1 of this agreement after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C. 36-1-7-2.

**IN WITNESS WHEREOF,** the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

**TOWN of GRIFFITH, INDIANA**  
101 Broad Street, Griffith, Indiana 46319

Through its Town Council also acting as the Works Board

By: \_\_\_\_\_  
George Jerome, President

Attest:

\_\_\_\_\_  
Ron Szafarczyk, IAMC  
Clerk-Treasurer

Participant Execution Date: \_\_\_\_\_

Approved as to Legality and Form:

\_\_\_\_\_  
Attorney

2. **Works Board Order No. 2010-13:** An Order of the Works Board Accepting Certain Bids for Road Materials, Supplies, and Services for the Year 2010.

Councilor Novak moved the passage and adoption of Works Board Order No. 2010-13. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
BOARD OF WORKS**

ORDER OF THE WORKS NO. 2010-13

**An Order of the Works Board Accepting Certain Bids for Road Materials, Supplies, and Services for the Year 2010**

**Whereas,** The Town Council, as the Board of Works of the municipality, has deemed it necessary to solicit bids for road materials, supplies, and services (work) in order to construct, repair, and maintain public ways throughout the Town; and

**Whereas,** The Town Council, pursuant to Section 31.17 (A)(2) of the HMC, serves as purchasing agency for the Public Works Department; and

**Whereas,** The purchase price exceeds \$10,000.00 and pursuant to Section 31.18(C) of the HMC requires the express approval of the purchasing agency; and

**Whereas,** The Public Works Director, pursuant to Section 31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

**Whereas,** The Purchasing Agent, pursuant to Section 31.20(H) of the HMC, expected that the purchase, aggregate, would be more than \$75,000 and invited bids in accordance with Section 31.20(H) of the HMC; and

**Whereas,** The Public Works Director has prepared bid specifications for the work anticipated for the year 2010 and the work was bid in accordance with Section 31.20(H) of the HMC; and

**Whereas,** the following bids were received at 10:00 a.m. of March 16, 2010:

Bids received on March 16, 2010 for Material and Supplies	Unit	Walsh & Kelly, Inc.	Rieth-Riley Construction Co., Inc.	Wm Walters Excavating	Krooswyck Trucking
Bid Surety		✓	✓	✓	✓
Form 96		✓	✓	✓	✓
Hot Asphaltic Concrete Binder (delivered, spread, and rolled)	Ton	\$ 50.00	\$ 52.00		
Hot Asphaltic Concrete Surface (delivered, spread, and rolled)	Ton	\$ 66.95	\$ 59.00		
Hot Asphaltic Concrete Binder (FOB vendors plant)	Ton	\$ 47.00	\$ 50.00		
Hot Asphaltic Concrete Surface (FOB vendors plant)	Ton	\$ 55.00	\$ 57.00		
Styrelf Fiber Cold Mix or Equal (FOB vendors plant)	Ton	\$ 97.00	\$ 105.00		
Blast Furnace Slag (delivered) #53 & #73	Ton	\$ 14.00		\$ 11.20	\$ 11.75
Blast Furnace Slag (delivered) #8 (chips)	Ton	\$ 14.75		\$ 12.10	\$ 15.90
Limestone (delivered) #53 & #73	Ton	\$ 15.00		\$ 12.50	\$ 12.55

Limestone (delivered) #8 (chips)	Ton	\$ 15.75		\$ 15.35	\$ 16.85
Sand	CY	\$ 14.00	\$ 15.00	\$ 8.00	\$ 7.95
Surface Milling (0" to 3")	SY	\$ 1.98	\$ 2.70		
Surface Milling (3" to 6")	SY	\$ 2.98	\$ 3.50		

**Whereas**, the Public Works Director has reviewed the bids and made recommendation for award on the various classes of work based on being the lowest responsive and responsible bids.

**Now, Therefore, Be it Ordered**, by the Town Council of Highland, Indiana that

**Section 1.** The bids for HAC Binder (delivered, spread, and rolled), HAC Surface (delivered, spread, and rolled), Surface Milling, Slag (Indiana #53 and #73), Slag (Chips), Limestone (Indiana #53 and #73, and Limestone (Chips) are accepted as the lowest responsive and responsible bid as follows:

**Rieth-Riley Construction Company, Inc.**  
7500 West 5<sup>th</sup> Street  
Gary, Indiana 46406

HAC Binder (delivered, spread, and rolled)	\$52.00 per ton
HAC Surface (delivered, spread, and rolled)	\$59.00 per ton
Surface Milling (0" to 3")	\$2.70 per square yard
Surface Milling (3" to 6")	\$3.50 per square yard

**Section 2.** Based on the criteria that the availability of service, material and plant location at the time of need requires flexibility to have more than one source of supply, both bids for HAC Binder (FOB plant) HAC Surface (FOB plant), and Cold Patching material (FOB Plant) are accepted as follows:

**Walsh & Kelly, Inc.**  
1700 East Main Street  
Griffith, Indiana 46319

HAC Binder (FOB Plant)	\$47.00 per ton
HAC Surface (FOB Plant)	\$50.00 per ton
Styrelf Fiber Cold Mix or Equal (FOB Plant)	\$97.00 per ton

**Rieth-Riley Construction Company, Inc.**  
7500 West 5<sup>th</sup> Street  
Gary, Indiana 46406

HAC Binder (FOB Plant)	\$50.00 per ton
HAC Surface (FOB Plant)	\$57.00 per ton
Styrelf Fiber Cold Mix or Equal (FOB Plant)	\$105.00 per ton

**Wm Walters Excavating, Inc.**  
854 Kennedy Avenue  
Schererville, Indiana 46375

Slag (Indiana #53 and #73)	\$11.20 per ton
Slag (#8 chips)	\$12.10 per ton
Limestone (Indiana #53 and #73)	\$12.50 per ton
Limestone (#8 chips)	\$15.35 per ton

**Krooswyck Trucking & Excavating**  
9731 Indianapolis Boulevard  
Highland, Indiana 46322

Sand	\$7.95 per CY
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**Section 3.** The Public Works Director is hereby authorized to execute agreements and all documents necessary to implement the work.

**Be it So Ordered.**

**Duly, Passed and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 5<sup>th</sup> day of April, 2010 having passed by a vote of 4 in favor and 0 opposed.

**Works Board of the Town  
Highland, Indiana**

Konnie Kuiper, Acting President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2010-14:** An Order of the Works Board Approving the Kleinman Road Improvement Project and Approving and Authorizing An agreement between First Group Engineering, Incorporated and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof.

Councilor Vassar moved pass and adopt Works Board Order No. 2010-14. Councilor Novak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER OF THE WORKS BOARD NO. 2010-14**

**AN ORDER OF THE WORKS BOARD APPROVING THE KLEINMAN ROAD IMPROVEMENT PROJECT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN FIRST GROUP ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF.**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that a need exists to reconstruct Kleinman Road between Ridge Road and 45<sup>th</sup> Street and to procure design engineering services associated with said street reconstruction and other improvements, to be known as the Kleinman Road Improvement Project (Project); and

**Whereas**, The Public Works Director had prepared a Request for Proposals for the Project and invited four (4) engineering firms known to specialize in the services requested to be received on January 29, 2010; and

**Whereas**, The Town of Highland received proposals from the following:

1. First Group Engineering, Inc.
2. Garcia Consulting
3. H.W. Lochner, Inc.
4. American Structure Point (declined)

**Whereas**, The Public Works Director had reviewed the proposals and has forwarded a recommendation to the Town Council to engage the firm of First Group Engineering, Incorporated as the most qualified for the engagement; and

**Whereas**, First Group Engineering, Incorporated has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the scope of engineering services completed as described in the agreement, for an estimated fee of One Hundred Thirty-seven Thousand Eight Hundred Dollars (\$137,800); and

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Town Council hereby determines to proceed with a project for the reconstruction of Kleinman Road between Ridge Road and 45<sup>th</sup> Street to be known as the Kleinman Road Reconstruction Project;

**Section 2.** That the Town Council hereby accepts the recommendation of the Public Works Department to accept the proposal of First Group Engineering, Inc. for Professional Engineering and Design Services on the Kleinman Road Improvement Project;

**Section 3** That the Professional Engineering and Design Services Agreement, (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

**Section 4.** That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of One Hundred Thirty-seven Thousand Eight Hundred Dollars (\$137,800) is found to be reasonable and fair;

**Section 5.** That First Group Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 6.** That the Town Council President be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be it So Ordered.**

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 5<sup>th</sup> day of April, 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Konnie Kuiper, Acting President

Attest:

Michael Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

*Agreement on File*

4. **Proposed Ordinance No. 1457:** An Ordinance to Amend Title VII, Amending Chapter 74, Schedule VI and Schedule X of the Highland Municipal Code Relative to Motor Vehicles and Traffic Providing for the Enforcement Thereof, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency

Councilor Zemen introduced and moved the consideration of Ordinance No. 1457 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Ordinance could be considered.

Councilor Zemen moved the passage and adoption of Ordinance No. 1457 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Ordinance was adopted.

**ORDINANCE No. 1457  
of the  
TOWN of HIGHLAND, INDIANA**

**An Ordinance to Amend Title VII, Amending Chapter 74, Schedule VI and Schedule X of the Highland Municipal Code Relative to Motor Vehicles and Traffic Providing for the Enforcement Thereof, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency**

**WHEREAS,** The Traffic Safety Commission and the Town Board of Metropolitan Police Commissioners have conducted a study and investigation as to the amendments to Title VII of the Highland Municipal Code within the Town of Highland;



**WHEREAS,** I.C. 9-21-1 *et sequitur* authorizes the Town of Highland, through its Town Council as a local authority to adopt local regulations regarding traffic; and

**WHEREAS,** I.C. 9-21-1-3(a)(1) specifically authorizes the Town of Highland, through its Town Council as a local authority with respect to streets and highways under the town's jurisdiction and within the reasonable exercise of the police power to regulate the standing or parking of vehicles; and

**WHEREAS,** The Highland Town Council has determined that several relevant chapters of Title VII of the municipal code require amendments in order to further perfect the municipality's regulatory operation with such amendments being in the best interest of the Town of Highland;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** Title VII, Chapter 74 of the Traffic Code of the Highland Municipal Code, be amended by adding the following to Schedule VI: Three-way Stop Streets, the following identified streets and location:

**Schedule VI. THREE-WAY STOP STREETS**

Street	Intersection	Ord. No.	Date passed
Ninety-Ninth Street	Erie Street		- -

**Section 2.** Pursuant to § 70.36 of the Highland Municipal Code, the Metropolitan Police Chief shall cause to be placed and maintained the appropriate traffic control signs, styled as "STOP" or with such language as may best communicate to operators that vehicles must come to a full stop at the described street and intersection and to otherwise make effective the provisions of this ordinance.

**Section 3.** Title VII, Chapter 74 of the Traffic Code of the Highland Municipal Code, be amended by adding the following to Schedule X: One-Way Streets and Alleys, the following identified streets and location:

**Schedule X. ONE-WAY STREETS and ALLEYS**

Street	Location	Direction	Date passed
Thirty Seventh Street	Between Kennedy Avenue and Richard Street	Eastbound	

**Section 4.** Pursuant to § 70.36 of the Highland Municipal Code, the Metropolitan Police Chief shall cause to be placed and maintained the appropriate traffic control signs, styled as "ONE-WAY" or with such language as may best communicate to operators that Traffic may only proceed one-way, eastbound on 37<sup>th</sup> Street between Kennedy Avenue and Richard Street and to otherwise make effective the provisions of this ordinance.

**Section 5.** All provisions of ordinances in conflict with the provisions hereof are hereby repealed with such amendments hereby enacted pursuant to §10.17 of the Highland Municipal Code.

**Section 6.** That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption, upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication as prescribed in IC 36-5-2-10(b).

Introduced and Filed on the 19<sup>th</sup> day of April 2010. Consideration on same day or at same meeting of introduction attained 4 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 19<sup>th</sup> day of April 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Konnie Kuiper, Acting President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

5. **Authorization for the proper officer to publish notice for a hearing on proposed additional appropriation in excess of the 2010 Budget for the Municipal Cumulative Street Fund in the amount of \$25,000.** Councilor Zemen moved to authorize the proper officer to publish a notice as indicated. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The publication was authorized.
6. Action to approve senior citizen discount on monthly solid waste user charge, pursuant to Section §170.08 (B) of Chapter 170 of the Highland Municipal Code.
  - (A) The Clerk-Treasurer presents the request of **Willard Smith** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (B) The Clerk-Treasurer presents the request of **JoAnne Villa** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (C) The Clerk-Treasurer presents the request of **Kenneth M. Harrison** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (D) The Clerk-Treasurer presents the request of **John Paulauski** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (E) The Clerk-Treasurer presents the request of **Thomas Ozelie** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (F) The Clerk-Treasurer presents the request of **David Lynn** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (G) The Clerk-Treasurer presents the request of **Deanna Ryskamp** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (H) The Clerk-Treasurer presents the request of **Sandra Brown** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (I) The Clerk-Treasurer presents the request of **Jerrald & Rosemarie Benner** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (J) The Clerk-Treasurer presents the request of Mary Campbell for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (K) The Clerk-Treasurer presents the request of **Kenneth Faulkner** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (L) The Clerk-Treasurer presents the request of **Esther Snyder** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (M) The Clerk-Treasurer presents the request of **Allen Hoppel** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (N) The Clerk-Treasurer presents the request of **Mary Ann Julius** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (O) The Clerk-Treasurer presents the request of **Steve Brumley** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (P) The Clerk-Treasurer presents the request of **Janet Lashbrook** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (Q) The Clerk-Treasurer presents the request of **Kathryn Smith** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (R) The Clerk-Treasurer presents the request of **Thomas Sencaj** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (S) The Clerk-Treasurer presents the request of **Anthony La Banca** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (T) The Clerk-Treasurer presents the request of **Dolly Milich** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (Q) The Clerk-Treasurer presents the request of **Janet Watt** for favorable action to approve senior citizen discount on monthly solid waste user charge.
  - (R) The Clerk-Treasurer presents the request of **Esther Pino** for favorable action to approve senior citizen discount on monthly solid waste user charge.

- (S) The Clerk-Treasurer presents the request of **William Vincent** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (T) The Clerk-Treasurer presents the request of **Doris K. Dabrowski** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (U) The Clerk-Treasurer presents the request of **Barbara Jacobs** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (V) The Clerk-Treasurer presents the request of **Fran Roy** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (W) The Clerk-Treasurer presents the request of **David Wajvoda** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (X) The Clerk-Treasurer presents the request of **David Fitting** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Y) The Clerk-Treasurer presents the request of **Larry Gargano** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Z) The Clerk-Treasurer presents the request of **John V. Sopiolo** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (a) The Clerk-Treasurer presents the request of **Helen Swetlik** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (b) The Clerk-Treasurer presents the request of **Chester Janik** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (c) The Clerk-Treasurer presents the request of **James & Carol McBride** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (d) The Clerk-Treasurer presents the request of **Judith Forester** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (e) The Clerk-Treasurer presents the request of **Angelina Quigley** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (f) The Clerk-Treasurer presents the request of **Sandra Curran** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (g) The Clerk-Treasurer presents the request of **Frances Danner** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (h) The Clerk-Treasurer presents the request of **Frederick Standridge** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (i) The Clerk-Treasurer presents the request of **Stephanie Fistrovich** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (j) The Clerk-Treasurer presents the request of **Louis Kollwitz** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (k) The Clerk-Treasurer presents the request of **Orville Abney** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (l) The Clerk-Treasurer presents the request of **Joyce Herring** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (m) The Clerk-Treasurer presents the request of **William Stevens** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (n) The Clerk-Treasurer presents the request of **William Baldin** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (o) The Clerk-Treasurer presents the request of **Marguerite McMahon** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (p) The Clerk-Treasurer presents the request of **Joyce Vanderschoot** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (q) The Clerk-Treasurer presents the request of **Lucille Maricich-DeCero** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (r) The Clerk-Treasurer presents the request of **George Rogers** for favorable action to approve senior citizen discount on monthly solid waste user charge.

- (s) The Clerk-Treasurer presents the request of **Edgar Buyco** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (t) The Clerk-Treasurer presents the request of **Mary Bercier** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (u) The Clerk-Treasurer presents the request of **Elsie Hart** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (v) The Clerk-Treasurer presents the request of **Webb Schneider** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (w) The Clerk-Treasurer presents the request of **Jean O'Malley** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (x) The Clerk-Treasurer presents the request of **Kyla Hedrick** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (y) The Clerk-Treasurer presents the request of **Margaret Balogh** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (z) The Clerk-Treasurer presents the request of **William Stone, Jr.**, for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Aa) The Clerk-Treasurer presents the request of **Daniel Burczyk** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Bb) The Clerk-Treasurer presents the request of **Donald Klein** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Cc) The Clerk-Treasurer presents the request of **Edward Vavrek** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Dd) The Clerk-Treasurer presents the request of **John Bodnar** for favorable action to approve senior citizen discount on monthly solid waste user charge.
- (Ee) The Clerk-Treasurer presents the request of **Richard Golec** for favorable action to approve senior citizen discount on monthly solid waste user charge.

Councilor Novak moved to approve all the applications for the Solid Waste Discount for persons 65 years of age or older as filed. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The applications were all approved.

**Comments from the Town Council Members**  
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison* • *Town Board of Metropolitan Police Commissioners* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Chair the Select Centennial Commission* • *Chamber of Commerce, Liaison.*

Councilor Zemen commented favorably on the recent Centennial Gala convened on April 10 at the Wicker Park Social Center.

It was noted that 130 volunteers participated in the recent Park Pride Day.

Councilor Zemen acknowledged the Metropolitan Police Chief who indicated he and the Building Commissioner were working on enforcing the Junk Vehicle Ordinance.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison* • *Plan Commission member.*

Councilor Vassar recognized the Building Commissioner who offered a brief overview and survey of matters pending before the Plan Commission and the Advisory Board of Zoning Appeals. He further noted that according to the Solid Waste Code, trash is not

to be placed out for collection sooner than the night before. The Code Enforcement Officer would be enforcing the provision.

Councilor Vassar recognized the Redevelopment Director who reported on the Census return rates for the Town, noting it was 80%.

The Redevelopment Director further reported that the Redevelopment Commission had received a bid of \$85,000 from Pleasant View Dairy for the former Bult Oil Property. She noted that the property had been valued at \$105,250.

Councilor Vassar conveyed sympathy to the family of James Diehl on his recent passing.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak also conveyed sympathy to the family of James Diehl on his recent passing.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper inquired of the Public Works Director on the disposition of the disposal of the House located on the recently acquired property located at 3309 and 3315 Ridge Road. (Noted the Town Council adopted Works Board Order No. 2009-18 on June 8<sup>th</sup>, 2009 authorizing and instructing the Public Works Director to take steps to dispose of the houses on the properties.) The Public Works Director indicated that action was still pending.

- **Councilor Mark Herak:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Councilor Herak was absent owing to work related travel.

#### **Comments from the Public or Visitors**

1. Ron Johnson of Northwest Indiana News Bureau, (NINBY), inquired about provisions of the Open Meeting Act particularly related to convening in a room that does not present a challenge or barrier for access to persons with a disability. A colloquy ensued between the Town Attorney and Mr. Johnson regarding the matter and whether or not the Town Council should convene its study sessions in the upper council chambers as it may present a barrier to persons with disability that is challenged by the stairs as the only access to such meetings.

It was suggested that the Town Council would thereafter try to convene its study sessions in the plenary meeting room.

**Payment of Accounts Payable Vouchers.** Councilor Vassar moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period April 6, 2010 through to April 19, 2010. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$472,287.12 Motor Vehicle Highway and Street (MVH) Fund, \$36,335.32; Local Road and Street (LR&S) Fund, \$8393.75; Forfeit and Seized Assets Fund, \$608.90;**

**Law Enforcement Continuing Education and Training Fund, \$160.92; Insurance Premium Fund, \$115,166.75; Gasoline Fund, \$11,732.50; Information and Communications Technology Fund, \$10,999.08; Civil Donation Fund, \$3.27; Special Events Non Reverting Fund, \$632.00; Centennial Commission Fund, \$13,329.75; Municipal Cumulative Capital Development Fund, \$604.09; Traffic and Law Violations Agency Fund, \$846.00; Safe Neighborhood Grant Fund, \$1,895.00; Gaming Revenue Sharing Fund, \$712.00; Corporation Capital Fund, \$26,896.82; Total: \$700,603.77.**

**Adjournment.** Councilor Vassar moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, April 19, 2010** was adjourned at 7:31 O'clock p.m. There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer